



DATE:	March 1, 2013
APPROVED BY:	Russell D. Schaedlich

**MINUTES OF THE  
LAKE COUNTY PLANNING COMMISSION  
February 26, 2013**

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chair Hausch called the meeting to order at 5:30 p.m.

**ROLL CALL**

The following members were present: Messrs. Adams, Brotzman, Morse, Pegoraro (alt. for Troy), Schaedlich, Siegel, Welch (alt. for Aufuldish), and Mmes. Hausch, Moran, and Pesec. Legal Counsel present: Asst. Prosecutor Joshua Horacek. Staff present: Mr. Radachy, and Ms. Myers.

**MINUTES**

On page three in the last paragraph, Mr. Welch had seconded the motion.

Mr. Siegel moved to approve the January 2013 minutes with one correction and Mr. Welch seconded the motion.

Seven voted "Aye".  
Two abstained.

**FINANCIAL REPORT**

Mr. Schaedlich moved and Mr. Morse seconded the motion to approve the January 2013 financial report.

All voted "Aye".

**PUBLIC COMMENT**

There was no public comment.

## LEGAL REPORT

Mr. Joshua Horacek, Assistant Prosecutor, said he did not have a legal report this evening.

## DIRECTOR'S REPORT

Mr. Radachy reported that our final budget will be passed on Thursday by the Board of Commissioners. We should get our full funding for the rest of the year.

He went to a meeting last month on Paddle Lake Erie, a group headed up by the National Parks to promote a "blue trail" along Lake Erie to try to encourage canoeing and kayaking. They will be looking at mapping all the public parks along Lake Erie from Toledo to Conneaut so these people will know where they can and cannot pull up on shore.

Ashtabula County paid the Department for Mr. Radachy's work in reviewing a couple of subdivisions and a couple zoning amendments.

## ANNOUNCEMENT

There were no announcements.

## SUBDIVISION REVIEW

Mr. Radachy stated there were no subdivisions to review this month.

### Subdivision Activity Report

Mr. Radachy said he has been getting phone calls from various developers and engineers on various pieces of vacant land that had been in the process in the past as to what they can or cannot do with the property. In particular, Lake Erie Shores has a piece of property between Villa Grande and North Shores Estates on the north side of Lake Road. Tanners Farm developers, which is a condominium development, also has contacted the office. The economics are such that condominiums are very difficult to sell and finance. They are looking to go fee simple versus condominium development.

The Northeast Ohio Planning and Zoning Workshop's date has been moved from June 7 to June 28, 2013. Mr. Radachy got a notice from Akron's section of APA Ohio, who will be having their workshop on May 7. They thought they may be pulling from the same group of people and wanted to put a little more space between the two workshops. The Keynote Speaker will be Hunter Morrison from NEOSCC about a Northeast Ohio Sustainable Communities Grant that they received from the Federal Government. The Workshop will be in Warren, Ohio at the Magnuson, which used to be the Avalon Inn.

## LAND USE AND ZONING REVIEW

Mr. Radachy stated that Madison Township was originally listed on the agenda as having two cases, the district amendments and one text amendment. There had actually been two text amendments submitted, Section 114, Donation Boxes and the creation of Section 140, Zoning Commission. Land Use and Zoning Committee did not review Section 140.

#### Concord Township Proposed Text Amendment to Section VIII, Township Zoning Commission

Concord Township is also amending Section VII, which is their Zoning Commission. There are actually two parts, Zoning Commission and amendments to the regulations. They are reorganizing Section VIII by adding language directly from ORC 519.12, which is the section on how to amend your zoning resolution. They are adding items required by the ORC for public hearings, a public hearing for district changes consisting of 10 parcels or less and for district changes involving more than 10 parcels, and they are changing regulations currently requiring township trustees to have a unanimous vote to requiring only a majority vote.

Ms. Pesecc arrived at 5:41 p.m.

Staff stated:

- The Concord Township Zoning Commission has alternates, but they are not listed in the amendment or the current zoning resolution.
- The duties of the secretary are not defined in the amendment.
- The regulations currently use both the term County Planning Commission and Lake County Planning Commission.

The Land Use and Zoning Committee recommended:

- Change the name of the Section from Township Zoning Commission to Township Zoning Commission and Amendments.
- Revise 8.01 to read: *There is hereby created a Township Zoning Commission, an advisory board, consisting of five (5) members and two alternates. These members and alternates shall reside in the unincorporated area of Concord Township. The members shall be appointed by the Board of Township Trustees, for a term of five (5) years beginning April 1, and the terms of members shall be so arranged that the term of one member shall expire each year. The alternates shall be appointed by the Board of Township Trustees, for a term of two (2) years beginning April 1, and the terms of members shall be so arranged that the term of one member shall expire each year. A Zoning Commission Secretary shall be appointed by the Board of Township Trustees at the first meeting of each year to assist the zoning commission in their duties. Each member* ....

- Section 8.08 should read “Within five working days after an amendment’s effective date, the Board of Township Trustees shall file the text and maps of the amendment in the office of the County Recorder and with the *“Lake County Planning Commission”*.”
- Change 8.4 to 8.04 in Section 8.05 B.
- Change “...after the public hearing...” to “after the public hearing has closed...” in Section 8.05 B and 8.06 B.
- Return current 8.05 to the regulations as 8.09.
- The Township should study requiring a notice be posted on Facebook or Twitter or other types of social media.

Ms. Pesec was concerned that if there were more than ten parcels, the owners would not be notified by mail. That was the minimum per ORC and Concord only has to follow a minimum. She was told that a legal notice does have to go into the paper. Ms. Pesec stated that not all people read the paper and she wanted all those affected by a change to have the opportunity to be able to go to the public hearings and express their comments and concerns. They send a newsletter to the whole Concord community three times a year and could see no reason a postcard could not be mailed as notification for all zoning district changes.

Mr. Adams inquired on the reason for stating Facebook or Twitter. His experience was that those using this media, especially young people, would not want to have a serious matter put out to them this way. He believed that direct mail seems to be the surest way to contact people in a small area.

Mr. Brotzman agreed with Ms. Pesec. He would rather get something in the mail that would be impacting the value of his property or changes the ability to use his property.

Mr. Schaedlich said when they had rezoned the eastern half of Concord Township, they had taken flyers to every house a couple times.

Mr. Pegoraro moved to approve the recommendation of the Land Use and Zoning Committee and Mr. Siegel seconded the motion.

Ms. Pesec asked that the recommendation be amended so the Township would notify everyone in the community by either mail or a direct flyer to people’s homes. Because this is a recommendation, they can decide the best way to touch every home based on their staff availability.

Mr. Radachy suggested amending the last recommendation to say that the Township should study if they could or should require postcards or flyers be delivered to each household in addition to using the social media.

Mr. Pegoraro amended the motion to include this statement.

Mr. Siegel rescinded his second of the motion.

Discussion began and a Point of Order was made by Mr. Horacek, there was a motion on the floor.

Mr. Pegoraro withdrew his motion for more discussion.

Ms. Pesec moved to accept the Land Use and Zoning recommendation with the wording that the Township should study if they could or should require a notice to all adjacent or abutting property owners or those within a certain radius regardless of the number of properties to be rezoned for a zoning change.

Ms. Pesec amended the motion to say the Township should study if they could or should require a notice to all affected property owners when there is a change in a zoning classification.

Members suggested the word affected was too nebulous and adjacent or abutting properties should be used.

Ms. Pesec amended the motion to state the Township should study if they could or should require a notice be mailed or passed out by flyer to all adjacent property owners or those within a certain radius of a rezoning change regardless of the number of parcels involved and also review the use of social media postings.

Members again pointed to items to be included.

Ms. Pesec restated her motion to approve the recommendations of the Land Use and Zoning Committee and to add to the last recommendation point that the Township should study if they could or should require adjacent or affected property owners or property owners within a certain radius of a rezoning classification and a notice be posted on Facebook or Twitter or other types of social media for those rezoning classifications of more than 10 parcels. Mr. Adams seconded the motion.

All voted "Aye".

Madison Township: Proposed District Amendments - 205.37 Acres, M-1, Light Manufacturing to AR, Agriculture Residential; 85.23 Acres, M-1 to B-3, Wholesale and Trade Commercial; 34.85 Acres, B-2, Regional Business to B-3, Wholesale and Trade Commercial; and 11.83 Acres, B-2, Regional Business to AR, Agriculture Residential

Mr. Radachy showed the members on PowerPoint where the site was located in eastern Madison Township on Bennett Road and North Ridge Road, east of Rt. 528 on Hubbard Road and how the proposed district change would affect the current zoning. Bennett Machinery would not be affected by this change, they would just be getting a different classification. There was a lot of vacant land and Arcola Creek flowed through the

property to the south. The Comprehensive Plan called for open space development type area, which has not been developed yet because of the PUD. It is based on the flood zones of Arcola Creek to try to get the development out of the floodplain and onto dry ground. At the time the Comprehensive Plan called for proposed heavy commercial, such as auto repair, wholesale trade, etc. The change is according to the 2009 Comprehensive Plan. The reclassifications are based on the floodplain lines and not the parcel lines. Therefore, the area south of the red line will remain industrial leaving small slivers of Industrial between the A1 and B3.

Land Use and Zoning recommended the approval of the district amendment to the north of State Rt. 20, but suggested the Township study the south side because they did not want to see the slivers of industrial left.

At this point, Mr. Radachy stated Madison would need to revise their zoning or at least wait until the open space development is developed and do the two zoning district changes at the same time. The zoning map is parcel based, the district amendment would take it from parcel based and do a more free-flowing area but it would leave little pieces of land.

Mr. Brotzman asked to be shown where the stream was located in relationship of where the reclassification stopped. The proposed district change stayed out of the floodplain.

Ms. Pesec made a statement that staff was recommending that they wait so that the zoning for the PUD was made, so they would have a use for the slivers of land.

Mr. Schaedlich stated that zoning is on all property, riparian setbacks are based on other regulations in the zoning code. Madison Twp does have Riparian Setbacks.

Mr. Siegel said it would be cleaner to include the whole parcel in that strip so there were no fingers of useless land.

Mr. Schaedlich moved to recommend the change to the B3 district with the inclusion of using entire parcels along the proposed strip to the south rather than leaving pieces of the property in different zoning classification. Mr. Morse seconded the motion.

Mr. Schaedlich amended the motion to include all the proposed properties with the exception of those on the north side of State Route 20

Staff recommended the district change on the north side of St. Rt. 20; the south side M-1 and B-2 parcels should be rezoned B-3 in their entirety rather than following the Comprehensive Plan line.

There was no further discussion.

All voted "Aye".

#### Madison Township: Proposed Text Amendment - Section 114.05.06, Donation Boxes

Mr. Radachy stated donation boxes are boxes about 4'x4'x6' high that appear randomly in parking lots. Madison Township has been having problems with people just dropping them off at places without permission. They developed language that would regulate that the operator of the boxes would have to get permission from the property owner before they put them down. They have to get a zoning permit, make sure that they are emptied in a timely manner, and that any overflow will be removed. The boxes have to stay in a safe and healthy manner that cannot affect other people's health and safety. Also, they regulate the size of the signs on the side of the boxes to make sure they do not become billboards.

The Land Use and Zoning Committee recommended that the definitions should be moved to Section 101, Definitions. They also recommended that the language regarding the maintenance of bins should be based on health and safety and should be included in the regulations. The Township may want to study the possibility of adding regulations for newspaper recycling bins.

Mr. Siegel stated zoning should be dropped from zoning lot.

Mr. Schaedlich agreed with Mr. Siegel and stated there were words missing in the text and other problems that needed to be cleaned up also.

Mr. Schaedlich moved to recommend approval of the text change with the recommendations of the Land Use and Zoning Committee and staff, along with the change to remove zoning from the term zoning lot and carefully review the language to make sure the wording is correct in the text that has been proposed.

Mr. Schaedlich amended his motion to include the phone number and organization responsible for the donation box. Mr. Pegoraro seconded the motion.

All voted "Aye".

#### Madison Township Text Amendment - Create Section 140, Zoning Commission

Mr. Radachy stated Madison Township is adding language to state the number of members and alternates for the Zoning Commission and how to fill vacancies. They are giving them the ability to set up their own rules for proceedings on how to elect offices and the right to determine when they meet. They require meetings to be open to the public, keep minutes and state what powers and duties they have. This is not addressed by the Comprehensive Plan. This is a re-write from the Perry Township Zoning Resolution.

Mr. Radachy said the Regulations do not take into consideration executive sessions. If it is stated that all meetings shall be open to the public, then they could not go into executive session and the Zoning Commission could possibly be open to getting sued, etc. The Zoning Commission is allowed to be in executive session. Section 140.4.3 should read: All meetings shall be in full compliance with the applicable legal requirements of Section 121.22 of the Ohio Revised Code.

Mr. Pegoraro moved to approve the Madison Township text amendment to create Section 140, Zoning Commission. Mr. Siegel seconded the motion.

All voted "Aye".

Painesville Township Proposed Text Amendments to Section 2, Interpretation; Section 12.02, Conditional Use; Section 12.05, List Standards Applicable to Specific Uses; Section 29.06, Surfacing (Parking); and Section 32.17, Zoning Amendment Procedure (FPUD)

Mr. Radachy stated Painesville Township was doing some basic amendments to update their Regulations. They are:

- Adding reference to all forms of the term of Painesville Twp. Board of Trustees to Section 2.
- Changing term outside dining to outdoor dining in Section 12.02.
- Revising the order of three of the conditional uses on the list of conditional uses. Moving Meeting, Banquet and Community Center from Q to S and moving item R to Q and item S to R.
- Adding the requirement that fences for outdoor dining cannot be more than eight feet in height to the Outdoor Dining Conditions as 12.05(L)(j). This was recommendation from last month.
- Excluding used vehicles as antiques in the antique store conditions in Section 12.05 (R)(a).
- Adding conditions for similar uses approved by the Board of Township Trustees and how to apply for the similar uses to Section 12.05 as item S.
- Adding conditions for Meeting Halls/Centers, Banquet Halls/Centers, Auditoriums, Party Centers as 12.05 (T).
- Changing asphaltic concrete to concrete in Sections 12.05(E)(d), 12.05(N)(d), 12.05(O)(d), 12.05(P)(d) and 12.05(Q)(d).
- Adding a requirement in Section 29.06 that the pavement type for parking lot expansions or modifications must be the same type as what exists or remains from the original parking lot.
- Adding that it only takes a majority of Trustees to change a Zoning Commission recommendation to Section 32.17 (C), the approval of FPUD.

These regulations are not addressed by the Painesville Township Comprehensive Plan.

Staff commented that the term "petition" is being used correctly in Section 12.05(S), but the term has gained a meaning of being a document signed by many people to ask the



government or higher authority to change something. This may cause confusion in the future. Meeting Hall and Banquet Hall are not uses in the list of conditional uses in Section 22.02.

Land Use and Zoning recommended either adding "Hall" after Meeting and Banquet in Section 22.02 or removing it from Section 12.05(S) and to add Auditorium as a conditional use in Section 22.02. They also recommended replacing "petition" with "apply" in Section 12.05(S). In Section 29.06, the LUZ Committee recommended that the Zoning Resolution allow property owners who are expanding their parking surface with permeable pavement or pavers be exempt from the homogeneous surface requirement without going to the Board of Zoning Appeals. They also recommended approval on changing Section 12.05(N)(d), 12.05(O)(d), 12.05(P)(d) and 12.05(Q)(d) without any changes.

Mr. Pegoraro suggested under the paving requirement to change the word original to existing.

Mr. Siegel moved to approve the staff's and Land Use and Zoning Committee's recommendations to include changing the word original to existing in the paving requirement and to include permeable pavement in the same statement. Mr. Welch seconded the motion.

All voted "Aye".

## REPORTS OF SPECIAL COMMITTEES

### Bylaws Review Committee

The Bylaws Review Committee has not met, but staff has finalized the changes and would like the Committee to meet. Emails will be sent to the members to set a date.

### Coastal Plan Committee

The Coastal Plan Committee will be meeting tomorrow at 6:00 p.m. so there is no report at this time.

## CORRESPONDENCE

There is no correspondence.

## OLD BUSINESS

### Kimball Estates Drainage Issue

Mr. Brotzman said he met with the three Commissioners and Mr. Boyd today after their regularly scheduled meeting. He believes they will be taking some sort of action to bring this to conclusion.

## NEW BUSINESS

### Planning Commissioner Roster Updates

Mr. Radachy brought the members' attention to the membership update in the package. With Commissioner Moran and her alternate joining the Board, he requested the members to check their current membership information and alternate information to see if they want that person to continue serving as an alternate. It just takes a letter to the Board of Lake County Commissioners to make a change of an alternate.

## PUBLIC COMMENT

There was no public comment.

## ADJOURNMENT

Mr. Siegel moved and Mr. Welch seconded the motion to adjourn.

All voted "Aye".

The meeting adjourned at 6:34 p.m.